


675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



January 6, 2010

TO: Honorable Rio Dell Mayor and City Council

FROM: Jim Stretch,  City Manager

DATE: July 3, 2012

SUBJECT: Status Report on State Budget and potential effect on approval of MOU's and employment agreements

IT IS RECOMMENDED THAT THE CITY COUNCIL:

By motion, direct the City manager to meet and confer with employee organizations and contract employees to amend agreements to clarify that the 2% salary adjustments effective 7-1-12 will be honored. But, the additional 1% salary increase provided in the agreements, contingent on receiving at least \$60,000 of COPS/SLESF funding for a full 12 months, will not be implemented until it is clear that State budget trigger that would be pulled if the Governor's November 6, 2012 sales tax initiative fails, would not affect the COPS/SLESF monies contained in the City's 2012-2013 budget.

BACKGROUND AND DISCUSSION

All labor agreements with employee organizations and employment agreements with "at-will" employees have been settled for a month or so, but have been held in abeyance for the adoption of the new Employee Handbook and the beginning of the new fiscal year. Now that the Handbook is to be adopted for approval on 7-10-12, the MOU's will follow on that date as will the adjustments for various employment agreements. However, there is a potential wrinkle at the State level that may affect the implementation of salary adjustments that were conditioned on receiving COPS/SLESF funds.

We know generally that the State budget recently adopted is balanced on the passage of the Governor's November 6, 2012 sales tax increase initiative. If it does not pass there will be further substantial and severe cuts in State programs. At this point we do not know if the COPS/SLESF funds are subject to the trigger, and neither does the league of California Cities and our Assemblyman Chesbro's office. So, the preferred approach is to assume that these funds are subject to being swept back by the State until we know with certainty they are not. The language in the MOU's and various employment agreements needs to be changed to provide for this potential.

The City Manager has had brief discussions on this subject with both employee organizations, and they now understand the issue and have tentatively agree to modify the terms of their agreement for this potential problem.

It is recommended that the Council direct the City manager to meet and confer with employee organizations and contract employees to amend agreements to clarify that the 2% salary adjustments effective 7-1-12 will be honored. But, the additional percentage salary increase provided in the agreements, contingent on receiving at least \$60,000 of COPS/SLESF funding for a full 12 months, will not be implemented until it is clear that State budget trigger that will be pulled if the Governor's November 6, 2012 sales tax initiative fails, would not affect the COPS/SLESF monies to be received by the City in fiscal year 2012-13.


Cc: Rio Dell Employees' Association
Rio Dell Police Officers Association
All contract employees


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Rio Dell, CA 95562
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For Meeting of: June 19, 2012
SUPPLEMENTAL INFORMATION

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager 

Date: June 13, 2012

Subject: Albin General Plan Amendment and Zone Reclassification

Attached is the Albin staff report. In an attempt to save copy costs, staff did not include some of previously provided attachments which were provided to your Council for the meeting of May 15, 2012. If you need another copy of those attachments, please let staff know.

As you're aware the Council considered the Albin amendments at the meeting of May 15th. Both Council members Leonard and Marks were not able to attend the meeting. After public comment, Council members, Wilson, Thompson and Mayor Woodall discussed and deliberated the application. I believe the Council felt that the proposed amendments have both advantages and disadvantages. Council member Wilson felt that it was in the City's best financial interest to redesignate the property Community Commercial to Urban Residential.

Following the discussion, Council member Wilson made a motion to approve the proposed General Plan Amendment and Zone Reclassification. The Motion was seconded by Council member Thompson and the Council voted 2-1 to approve the requested amendments. There was subsequent discussion regarding the Council's action and whether a majority of the entire Council was required in order to approve the proposed amendments. At that point the Council determined that it would be in the best interest of the City to have the other Council members consider and vote on the proposed amendments. As such, Council member Wilson made a motion to withdraw his original motion and continue the item to the meeting of June 5th. The motion was seconded and passed 3-0.

Staff subsequently reviewed the Government Code regarding Plan Amendments and Zone Reclassifications and determined that a majority of the total membership of the legislative body is required in order to approve General Plan Amendments. Staff checked with legal counsel and it was confirmed that a majority of the entire Council is required to approve General Plan Amendments.

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For Meeting of: May 15, 2012
CONTINUED TO JUNE 19, 2012

To: City Council

From: Kevin Caldwell, Community Development Director

Through: Ron Henrickson, City Manager

Date: April 30, 2012

Subject: Albin General Plan and Zone Reclassification

Recommendation:

That the City Council:

1. Receive staff's report regarding the proposed General Plan and Zone Reclassification;
2. Open the public hearing, receive public input and deliberate;
3. Consider the application and based on information contained in the staff report, the applicant's justification, public comments, the Planning Commission's recommendation;
4. Introduce Ordinance No. 290-2012 and Resolution No. 1157-A-2012 amending the plan and zoning designation of approximately 3 acres from Community Commercial (CC) to Urban Residential (UR); and continue consideration of the proposed Ordinance and Resolution to your meeting of July 3, 2012 for second reading and adoption; **or**
5. Adopt Resolution No. 1157-B-2012 **denying** the proposed General Plan Amendment and Zone Reclassification designating approximately 3 acres from Community Commercial (CC) to Urban Residential (UR) .

Background and Discussion

Andy Albin has made application to redesignate approximately 3 acres from Community Commercial (CC) to Urban Residential (UR). Included as **Attachment 1** is the applicant's justification for the proposed amendments.

The property was originally planned and zoned Residential Multiple Family (R-3) as part of the City's initial zoning designations after incorporation in 1965. The R-3 zone principally permitted single family, two family and dwelling groups and multiple dwellings for not more than four families.

The property was redesignated in 2004 to Community Commercial. At that time the parcel included some lands to the east of the subject property which was and is designated Urban Residential. In May of 2006, a minor subdivision creating four parcels and a Remainder (the subject parcel) was approved. Sometime in 2008 or 2009 the applicant informally requested the City consider redesignating the parcel from Community Commercial to Urban Residential. At that time, the City chose not to consider amending the land use designations.

As indicated above, the applicant's agent has submitted justification in support of making the required Public Interest and General Plan consistency findings. Below is a summary of the justification:

Public Interest

- Re-zoning to "Urban Residential" would make this parcel compatible with the surrounding existing residential use;
- Residential development will not require modifications to the Gateway improvements adjacent to the parcel;
- Redesignating the parcel to Residential will further encourage commercial development to the Town Center and the Todd parcel;
- Residential development will not detract from the view of the Scotia bluffs and be easy to landscape for privacy

General Plan

- The General Plan encourages commercial development in the Town Center. Consistent with this policy, redesignating the parcel to Residential will further encourage commercial development to the Town Center and the Todd parcel ;
- The General Plan encourages compatible development. Residential development would be more compatible with the existing surrounding residential development.

The Planning Commission considered the application at their meeting of April 25, 2012. Based on information provided to the Commission and comments from the public, the Planning Commission is recommending denial of the proposed amendments at this time. The Planning Commission denied the application for the following reasons:

- Limited amount of available, vacant, viable Community Commercial land;
- Parcel has very good visibility and convenient highway access;

- Existing inventory of residentially designated lands.

Procedures for Plan Amendments

California Government Code § 65350-65362 contains the following procedural requirements to amend a general plan:

- Prior to action to amend a general plan, the proposed action should be referred to and circulated for 45 days to: the City, County, school districts, LAFCo, regional planning agencies, any federal or state agencies, water providers, and Native American tribes with traditional lands located within the City;
- The Planning Commission shall hold at least one public hearing before approving a recommendation on the amendment;
- The Planning Commission shall make a written recommendation on the amendment;
- Prior to amending the general plan, the City Council shall hold at least one public hearing;
- The City Council shall amend the general plan by resolution, which shall be adopted by not less than a majority of the legislative body;
- City Council may approve, modify, or disapprove the Planning Commission recommendations, however any substantial modifications not previously considered by the Planning Commission shall first be referred to the Planning Commission for its recommendation;
- Copies of the adopted general plan amendment shall be made available for inspection by the public one working day following adoption;
- Within two working days after a request, copies shall be furnished to those so requesting;
- Any specific plan or other plan of the City that is applicable to the same areas or matters affected by a general plan amendment shall be reviewed and amended as necessary to make the specific or other plan consistent with the General Plan;

Procedures for Zoning Ordinance Amendments

Pursuant to Section 17.30.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.30.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.

- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.30.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

Plan and Zone Amendment Required Findings:

1. The proposed amendments are deemed to be in the public interest.

The applicant's agent has submitted justification for the proposed amendment which is included as Attachment 1. In regards to the required Public Interest finding, the applicant provided the information below as evidence that the proposed amendment is in the public interest:

"It is in the City's and public's interest to encourage commercial development in the "Town Center" and to discourage a commercial "strip mall" development along Wildwood Ave. Rio Dell is not a destination area which will attract the vacationing public to the City. The "Town Center" area of the City stands to benefit from the attractions, subdivision and industrial uses located in the town of Scotia. Residential use of this area will not create the need for additional access onto Wildwood Ave. Residential use is consistent and compatible with the existing residential neighborhood. "

In addition, the applicant's agent provided the following information as part of the justification included as Attachment 1:

"It was once believed that this parcel's proximity to US 101 would make it an ideal commercial site for serving traffic on the highway. Now, the City has identified a more appropriately located parcel along US 101."

It should be noted that the above reference to the parcel along US 101 is the Todd parcel that the City was pursuing for acquisition and development. However, this parcel was and is already zoned Community Commercial.

Staff Analysis

In order to determine if the proposed amendment is in the public interest, staff believes we need to evaluate the commercial and residential land use inventory for the City. Table 1 below identifies the amount of commercial and residential land within the City.

Table 1
Commercial/Residential Lands

Land Use/Zoning Designation		Acres	% of City
CC	Community Commercial	33	2.6%
NC	Neighborhood Commercial	6.0	0.5%
TC	Town Center	48	3.8%
UR	Urban Residential	323.6	25.3%
SL	Suburban Low	188	14.7%
SR	Suburban Residential*	21.7	1.7%
RR	Rural Residential	334	26.1%

**Does not include approximately 55.5 acres of the Blue Slide Road Annexation*

As the above table indicates, there is ample residential land, approximately 323 acres of lands designated Urban Residential and a total of about 870 acres, to facilitate residential development within the City. At this point in time there doesn't appear to be need for additional residential lands within the City. In contrast there is only about 33 acres designated for Community Commercial development. Please refer to the Land Use Map included as **Attachment 3**.

Again, referring to the current land use inventory only 2.6% or 33 acres of the City is zoned Community Commercial. There are twenty (20) parcels in the City that area zoned Community Commercial. Of those twenty parcels only four are vacant. Please refer to Table 2. Of the four vacant parcels, only one parcel (APN's 052-232-005 & -010); located at the intersection of Davis Street and Ireland Avenue is larger than a 2/3 of an acre or 30,055 square feet. The other three vacant parcels are 6,724 square feet, 8,276 square feet and 14,460 square feet respectively. The 14,460 square foot parcel (APN 052-211-022) is owned by the Baptist Church and is only about 50 feet deep and about 300 feet wide. In addition, although not permanent, the southerly portion of the parcel is developed with the Community Garden and Orchard. Staff believes that the only parcel with realistic commercial development potential is APN's 052-232-005 & -010. This parcel is a little over a 1/3 of an acre and has excellent access and visibility making ideal for future commercial development. Please refer to the map included as **Attachment 2**.

Table 2
Vacant Community Commercial Parcels

Assessor Parcel Number	Size Sq. Ft.	Developed	Use	Frontage Street	Comments
052-211-022	14,460	No	Vacant	Wildwood Avenue	Parcel is 50' +/- deep. Development potential is very limited.
052-222-004	8,276	NO	Vacant	Wildwood Avenue and Center Street	Parcel is limited due to its size.
052-232-041	6,724	NO	Vacant	Davis Street	Parcel is limited due to its size.
052-232-005 & -010	30,055	NO	Vacant	Davis Street and Ireland Avenue	Very good development potential.

According to both the General Plan and Zoning designations, the purpose of the Community Commercial or CC land use and zoning designation is to provide for large-scale commercial uses, including super-markets, offices, lodging and civic uses. In addition, all uses allowed as conditionally permitted uses in the Neighborhood Commercial zone are also principally permitted. Please refer to **Attachments 5 and 6**.

One of the twenty parcels is the Todd parcel discussed above and it does have very high development potential. The Todd parcel is approximately 18 acres and is developed with a single family residence and barn. As indicated above, the City pursued the purchase and subsequent development of the parcel. Although the City offered the property owner \$975,000 for the parcel, the property owner wanted \$50,000 guaranteed should the City not be able to complete the terms of the purchase agreement. As such, staff believes the City should not count on this parcel being developed in the near future.

Notwithstanding the asking price (\$385,000) of the parcel, past subdivisions of the parcel, which reduced its size and the Gateway road improvements along the frontage of the parcel which will require additional expenditures to develop may have an impact on the parcels commercial viability.

The applicant's agent has pointed out that the parcel has been on the market for close to 2 ½ years. However this in itself has little, if any, bearing on the commercial viability of the parcel. Real estate sales in general are down not only in Humboldt County, but throughout the country as well. In addition, the applicant's agent has provided the following justification on support of the proposed amendments:

- *Some commercial uses have developed northerly along Wildwood Ave. towards this site. Further commercial development along Wildwood would continue the fragmentation of the Town Center.*

Staff disagrees. The commercial development of the parcel should not have an impact on the "fragmentation" of the Town Center. In fact, it is staff's opinion that the commercial development of properties adjacent to and visible from Highway 101 will help attract the traveling public to the City, including the downtown area.

- *Commercial development should be encouraged in the Town Center or adjacent to US 101 where it's possible to draw the traveling public.*

Staff agrees. Commercial development should be and is encouraged in the Town Center. However, the Town Center and Community Commercial designations are intended to provide different commercial use types.

- *This parcel does not have good US 101 visibility and any commercial development here would draw business away from Town Center.*

Staff disagrees. The subject parcel and the Todd parcel provide the best highway visibility of any of the parcels designated Community Commercial. Again, staff believes if we can encourage the traveling public to notice commercial/shopping opportunities within the City that it will help attract business to the down town area.

- *Raw land is more easily developed into today's retail/commercial type businesses. Converting existing structures into desirable retail space is difficult with today's building code requirements.*

Staff agrees. This justification actually supports retaining the property as Community Commercial. There are very few vacant parcels in the Town Center designation that can be commercially developed. Again, the Town Center and Community Commercial designations are intended to provide different commercial use types.

- *Another problem with this parcel is that a commercial establishment would want to take access from Wildwood Ave. which the City would prefer not to allow.*

Staff disagrees. Access off of Wildwood Avenue was and is expected as part of any commercial development of the site. In fact, the parcel's location on Wildwood Avenue adjacent to the Highway is one of the parcels attributes that is identified in the parcels multiple listing on the Humboldt Association of Realtors website. Please see **Attachment 7**.

- *Allowing this parcel to develop into a commercial enterprise would weaken the resolve to maintain a core downtown area.*

Staff disagrees. Again, the commercial development of the parcel should not have an impact on the commercial viability of the Town Center. As indicated above, Town Center and Community Commercial designations are intended to provide different commercial use types. Furthermore, as previously indicated it is staff's opinion that the commercial development of properties adjacent to and visible from Highway 101 will help attract the traveling public to the City, including the downtown area.

Based on the above discussion and the applicant's justification, it is staff's opinion that the proposed amendment to change the parcel from Community Commercial to Urban Residential **may not be in the public interest** at this time. However, based on the information provided by the applicant's agent, the Commission could recommend that the proposed amendment is in the public interest.

2. The proposed amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.

The purpose of the General Plan is to provide a balance of use types to encourage and facilitate planned orderly development within the City. Below are goals and policies of the General Plan associated with the proposed amendments:

- Promote a variety of commercial uses and allow light manufacturing in appropriate commercial zones.

The various commercial designations are intended to provide a variety of commercial uses. Based on the limited development potential of all lands designated Community Commercial, it is staff's opinion that the removal of Community Commercially designated lands may be premature at this time. Should base information and/or community values and assumptions change, it would certainly be reasonable to reevaluate land use designations throughout the City.

- Provide sufficient land for business expansion and attraction of new employers by designating a mixed use corridor along Wildwood Avenue and in the Town Center.

As previously discussed and documents, staff believes there is a very limited supply of suitable land designated Community Commercial, especially Community Commercial land visible and adjacent to Highway 101 and commercial land along the City's major thoroughfare.

- Encourage infill development of vacant and underutilized land in the Town Center before amending the General Plan to allow additional commercial and residential land elsewhere.

Staff believes amending the General Plan and Zoning designation from Community Commercial to Urban Residential would conflict with this adopted policy. However, it could be argued that amending the land use designation as requested could facilitate additional commercial development in the Town Center.

- Monitor market demand for residential land and consider, where appropriate, changes in the City General Plan Land Use Element and Zoning to ensure a balance in residential uses and densities.

The applicant's agent has pointed to the fact that the parcel has been on the real estate market for over 2 ½ years. This could indicate that the demand for commercial land in Rio Dell is not present.

At this point in time based on existing General Plan goals and policies, staff believes the proposed amendments **may not be consistent the General Plan** and its implementation policies and programs. However, the Commission could recommend approval if they believe the proposed amendments would result in focusing commercial development in the Town Center, which is consistent with an overall comprehensive view of the General Plan.

3. The potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.

There is no evidence to suggest that the proposed amendments would be detrimental to the public health, safety or welfare.

4. The proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).

State law requires that any amendment of a general plan comply with the California Environmental Quality Act (CEQA). The primary purpose of CEQA is to inform the decision makers and the public of potential environmental effects of a proposed project. Since the project is a discretionary action subject to CEQA, an Initial Study has been prepared to assess environmental factors that could potentially be affected by the project. Because residential development of the site is a "foreseeable" project under the proposed amendments, staff evaluated the impacts of residential development on the site. Through preparation of the Initial Study, it has been found that there will not be a significant effect in this case because features of the project reduce impacts and mitigation measures have been included to further reduce impacts to a less than significant level. These measures are documented in the Initial Study

and Draft Mitigated Negative Declaration which has been prepared and is attached to this staff report as **Attachment 8**. The Notice of Intent to adopt a Mitigated Negative Declaration (finding of no significant adverse environmental effect) on the project was mailed and posted on February 28, 2012. Pursuant to Section 15073 of the CEQA Guidelines requires that the public review period be not less than 20 days.

Financial Impact

The applicant is responsible for the costs associated with the proposed amendments.

Alternatives

The City Council may approve in whole or in part or deny of the proposed amendments. Should the City Council believe the required findings can be made; the Council should introduce the draft Ordinance and Resolution and continue the hearing to the meeting of June 5, 2012 for the second reading, approval and adoption. Should the City Council believe the required findings cannot be made; the Council should approve and adopt Resolution No. 1153-B-2012 denying the proposed amendments.

Attachments

Attachment 1: Applicant's justification regarding the proposed amendments. **Previously provided.**

Attachment 2: Map of parcel and surrounding area.

Attachment 3: Map of Community Commercial parcels.

Attachment 4: Map of the four vacant Community Commercial parcels.

Attachment 5: Community Commercial Development Standards. **Previously provided.**

Attachment 6: Neighborhood Commercial Development Standards. **Previously provided.**

Attachment 7: Parcel's Multiple Listing advertisement. **Previously provided.**

Attachment 8: Initial Study and Mitigated Negative Declaration. **Previously provided.**

Attachment 9: Draft Ordinance No. 290-2012 and Resolution No. 1153-A-2012 approving the proposed amendments.

Attachment 10: Draft Resolution No. 1153-B-2012 denying the proposed amendments.

Albin General Plan Amendment and Zone Reclassification
Applicant's justification regarding the proposed amendments.

Previously provided.



Albin General Plan Amendment and Zone Reclassification
Community Commercial Parcels



Albin General Plan Amendment and Zone Reclassification
Vacant Community Commercial Parcels

Albin General Plan Amendment and Zone Reclassification

Community Commercial Development Standards.

Previously provided.

Albin General Plan Amendment and Zone Reclassification

Neighborhood Commercial Development Standards.

Previously provided.

Albin General Plan Amendment and Zone Reclassification

Parcel's Multiple Listing advertisement.

Previously provided.

Albin General Plan Amendment and Zone Reclassification

Initial Study and Mitigated Negative Declaration.

Previously provided.

RESOLUTION NO. CC 1157-A-2012

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL APPROVING THE
ALBIN GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION:**

WHEREAS Andy Albin has made application to redesignate approximately 3 acres from Community Commercial (CC) to Urban Residential (UR); and

WHEREAS the property was originally planned and zoned Residential Multiple Family (R-3) as part of the City's initial zoning designations after incorporation in 1965; and

WHEREAS the property was redesignated in 2004 to Community Commercial; and

WHEREAS it is in the City's and public's interest to encourage commercial development in the "Town Center" and to discourage a commercial "strip mall" development along Wildwood Ave; and

WHEREAS residential development of the parcel is consistent and compatible with the existing residential neighborhood; and

WHEREAS commercial development of the parcel could weaken the City's desire to maintain a core downtown area; and

WHEREAS based on information on file, existing land use designations and the applicant's justification, the proposed amendment to change the parcel from Community Commercial to Urban Residential **is in the public interest**; and

WHEREAS the General Plan calls to monitor market demand for residential land and consider, where appropriate, changes in the City General Plan Land Use Element and Zoning to ensure a balance in residential uses and densities; and

WHEREAS based on information from the applicant's agent, the current demand for commercial land is less than that for residential land; and

WHEREAS the General Plan encourages residential infill development of vacant and underutilized land; and

WHEREAS based on existing General Plan goals and policies, the proposed amendments **can be found consistent the General Plan** and its implementation policies and programs; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendment has been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS an Initial Study has been prepared to assess environmental factors that could potentially be affected by the project; and

WHEREAS through preparation of the Initial Study, it has been found that should the amendments be approved, there will not be a significant effect in this case because features of the project reduce impacts and mitigation measures have been included to further reduce impacts to a less than significant level; and

WHEREAS pursuant to Section 15073 of the CEQA Guidelines requires that the public review period be not less than 20 days; and

WHEREAS the Notice of Intent to adopt a Mitigated Negative Declaration (finding of no significant adverse environmental effect) on the project was mailed and posted on February 28, 2012.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell approves the Albin General Plan Amendment and Zone Reclassification of approximately 3 acres from Community Commercial (CC) to Urban Residential (UR) ;).

I HEREBY CERTIFY that the forgoing Resolution was duly introduced at a regular meeting of the City Council of the City of Rio Dell on May 15, 2012 and furthermore the forgoing Resolution was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 5th day of June 2012 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

RESOLUTION NO. CC 1157-B-2012

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL DENYING THE ALBIN
GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION:**

WHEREAS Andy Albin has made application to redesignate approximately 3 acres from Community Commercial (CC) to Urban Residential (UR); and

WHEREAS the property was originally planned and zoned Residential Multiple Family (R-3) as part of the City's initial zoning designations after incorporation in 1965; and

WHEREAS the property was redesignated in 2004 to Community Commercial; and

WHEREAS there is ample residential land, approximately 323 acres of lands designated Urban Residential and a total of about 870 acres, to facilitate residential development within the City; and

WHEREAS at this point in time there doesn't appear to be need for additional residential lands within the City; and

WHEREAS in contrast there is only about 33 acres designated for Community Commercial development; and

WHEREAS there are only twenty (20) parcels in the City that area zoned Community Commercial; and

WHEREAS of those twenty parcels only four are vacant; and

WHEREAS of the four vacant parcels, only one parcel (APN's 052-232-005 & -010); located at the intersection of Davis Street and Ireland Avenue is larger than a 2/3 of an acre or 30,055 square feet; and

WHEREAS the other three vacant parcels are 6,724 square feet, 8,276 square feet and 14,460 square feet respectively. The 14,460 square foot parcel (APN 052-211-022) is owned by the Baptist Church and is only about 50 feet deep and about 300 feet wide; and

WHEREAS based on information on file, existing land use designations and the applicant's justification, the proposed amendment to change the parcel from Community Commercial to Urban Residential **is not in the public interest** at this time; and

WHEREAS the General Plan calls to promote a variety of commercial uses and allow light manufacturing in appropriate commercial zones; and

WHEREAS based on the limited development potential of all lands designated Community Commercial, it is staff's opinion that the removal of Community Commercially designated lands may be premature at this time; and

WHEREAS the General Plan requires the City to provide sufficient land for business expansion and attraction of new employers by designating a mixed use corridor along Wildwood Avenue and in the Town Center; and

WHEREAS there is a very limited supply of suitable land designated Community Commercial, especially Community Commercial land visible and adjacent to Highway 101 and commercial land along the City's major thoroughfare; and

WHEREAS the General Plan encourages infill development of vacant and underutilized land in the Town Center before amending the General Plan to allow additional commercial and residential land elsewhere; and

WHEREAS amending the General Plan and Zoning designation from Community Commercial to Urban Residential would conflict with this adopted policy; and

WHEREAS based on existing General Plan goals and policies, the proposed amendments **are not consistent the General Plan** and its implementation policies and programs; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendment has been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS an Initial Study has been prepared to assess environmental factors that could potentially be affected by the project; and

WHEREAS through preparation of the Initial Study, it has been found that should the amendments be approved, there will not be a significant effect in this case because features of the project reduce impacts and mitigation measures have been included to further reduce impacts to a less than significant level; and

WHEREAS pursuant to Section 15073 of the CEQA Guidelines requires that the public review period be not less than 20 days; and

WHEREAS the Notice of Intent to adopt a Mitigated Negative Declaration (finding of no significant adverse environmental effect) on the project was mailed and posted on February 28, 2012.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell denies the Albin General Plan Amendment and Zone Reclassification of approximately 3 acres from Community Commercial (CC) to Urban Residential (UR) ;).

I HEREBY CERTIFY that the forgoing Resolution was duly introduced at a regular meeting of the City Council of the City of Rio Dell on May 15, 2012 and furthermore the forgoing Resolution was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 5th day of June 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Julie Woodall, Mayor

ATTEST:


Karen Dunham, City Clerk


675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: June 19, 2012

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager 

Date: June 12, 2012

Subject: CDBG Owner Occupied Rehabilitation Guidelines

Recommendation:

That the City Council:

1. Receive staff's report regarding revisions to the Owner Occupied Rehabilitation Guidelines;
2. Open the public hearing, receive public input and deliberate;
3. Adopt Resolution No. 1153-2012 amending the CDBG Owner Occupied Rehabilitation Guidelines.

Discussion

At your meeting of May 16, 2012 you considered changes to the CDBG Program Guidelines. Some of the changes are minor changes associated with typo's and updated income and rent limits.

In addition, in an attempt to encourage more folks to take advantage of the program, staff recommended that the City adopt a sliding scale interest rate based on income. The current interest rate for owner occupied rehabilitation loans is 3% simple interest. The City of Arcata recently lowered their interest rate to 1 ½%. The recommended sliding scale is based on household income levels: Extremely Low Income 1%; Very Low Income 2%; Low Income 3%. Interest rate is simple interest deferred for a period up to fifteen (15) years and up to

thirty (30) years or time of sale or transfer for homeowners over 65 and/or Extremely Low Income or Very Low Income.

Staff also recommended that the interest rate for qualified Eligible Owner-Investor Units be amended from the current 7% interest to 5% interest. This recommendation was based on the current market interest rates.

Mayor Woodall raised the issue of whether or not the City is obligated to provide Owner-Investor loans. Furthermore, Council member Thompson suggested that Owner-Occupied loans be given priority over Owner-Investor loans. Staff checked with State representatives and the City is not obligated to provide Owner-Investor loans. As such, should the City continue to offer Owner-Investor loans, the City may prioritize Owner-Occupied loans.

The question of whether or not the Owner-Investor units had to be occupied by the owner was also raised. The Owner-Investor is not required to occupy one of the units, but is required to execute a Rent Limitation Agreement limiting rents to no more than Department of Housing and Community Development (HUD) Fair Market Rent (FMR) schedule.

Staff has submitted the proposed revisions to the State for their review and approval. The State has reviewed and preliminarily approved the recommended changes. Once the Council adopts the Resolution amending the Guidelines, the State has indicated that they will formally approve the changes.

Alternatives

The Council could choose to not amend the Guidelines as recommended.

Attachments

Attachment 1: Resolution No. 1153-2012 amending the City's Housing Rehabilitation Program Guidelines.

Attachment 2: Summary of recommended changes.

RESOLUTION NO. 1153 - 2012

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL AMENDING THE 2006
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) HOUSING REHABILITATION
PROGRAM GUIDELINES**

WHEREAS the existing CDBG Housing Rehabilitation Program Guidelines were adopted in 2006; and

WHEREAS the purpose of the program is to expand the supply of decent, safe, sanitary and affordable housing; to correct health and safety hazards in deteriorated housing and to extend the useful life of existing housing units; and

WHEREAS loans and grants are available to achieve cost-effective repairs for low income owner occupied homes or for units occupied by low income tenants of owner-investors; and

WHEREAS the City took over administration of the program in June of 2011; and

WHEREAS staff has reformatted the Guidelines and determined that the Guidelines need to be amended; and

WHEREAS the Guidelines currently refer to the Uniform Building Code which has been superseded by the adoption of the California Building Code (CBC) in 2010; and

WHEREAS the current Guidelines refer to the 2006 Income Eligibility and Rental Limitation Requirements; and

WHEREAS the current interest rate for owner occupied rehabilitation loans is 3% simple interest; and

WHEREAS in an attempt to encourage more residents to take advantage of the program, the City would like to implement a sliding scale interest rate based on income; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell hereby amends the Guidelines as follows:

1. To reference the California Building Code; and
2. To reflect the current U.S. Department of Housing and Urban Development (HUD) 2012 Income and Rental Limitation rates; and
3. To include a sliding simple interest rate scale for Owner Occupied Rehabilitation Loans based on household income levels: Extremely Low Income 1%; Very Low Income 2%; Low Income 3%; and
4. To reduce the interest rate for qualified Eligible Owner-Investor Units from the current 7% interest rate to a 5% interest rate; and
5. To allow the loan to be deferred for a period up to fifteen (15) years and up to thirty (30) years or time of sale or transfer for homeowners over 65 and/or Extremely Low Income or Very Low Income; and

BE IT FURTHER RESOLVED that the proposed changes will become effective upon written approval from the Department of Housing and Community Development.

I HEREBY CERTIFY that the forgoing Resolution was duly noticed, introduced and approved at a regular meeting of the City Council of the City of Rio Dell on June 19, 2012 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

Proposed 2012 CDBG Housing Rehabilitation Program Guideline Amendments

4) REHABILITATION STANDARDS...Pg. 3 Guidelines

B) Prioritization of Rehabilitation Needs:

2. Converting to current ~~Uniform~~ California Building Code (~~UBC~~) (CBC) standards: Examples include moving bathroom access to hallways or off of kitchen; stairs and porch upgrades.

5) FINANCING TERMS...Pg. 5 Guidelines

D) Financing Terms for Eligible Owner-Occupied Property...Pg. 6 Guidelines

Financing terms are made flexible to allow for maximum affordability.

- ~~1. The rehabilitation loan will be financed at 3% simple interest deferred for a period up to fifteen (15) years, thirty (30) years for homeowners over 65 and/or very low income.~~
1. The rehabilitation loan will be financed based on a sliding scale based on household income levels: Extremely Low Income 1%; Very Low Income 2%; Low Income 3%. Interest rate is simple interest deferred for a period up to fifteen (15) years and up to thirty (30) years or time of sale or transfer for homeowners over 65 and/or Extremely Low Income or Very Low Income.

E) Financing Terms for Eligible Owner-Investor Units...Pg. 6 & 7 Guidelines

1. Amortized loans with an interest rate of ~~seven~~ five percent (~~7%~~) (5%) will be provided to investors with qualified projects. Up to \$60,000 per unit is available. The term of the loan will be a minimum of 15 years but can be extended out to 30 years if the debt service on the property is too high and a lower payment is needed to allow for all necessary repairs to be done or to make the project financially feasible. The investor must produce documentation showing excessive debt on the property to get any changes to the rates and terms.

INCOME ELIGIBILITY...Pg. 16 Guidelines

TABLE A HUD Income Limits 2006 2012 HUMBOLDT COUNTY								
Household Size	1	2	3	4	5	6	7	8
Maximum Annual Income	\$28,450	\$32,500	\$36,600	\$40,650	\$43,900	\$47,150	\$50,400	\$53,650
Maximum Annual Income	\$34,450	\$37,050	\$41,700	\$46,300	\$50,050	\$53,750	\$57,450	\$61,150

RENT LIMITATION AND TENANCY SCHEDULE AGREEMENT...Pg. 38 Guidelines

4. The following are the maximum rents which may be charged during the first year after rehabilitation has been completed, subject to annual adjustment based on changes in the FMR schedule, notwithstanding any change(s) of ownership or transfer(s) of the property:

Unit #	Unit Size (# of Bedrooms)	Monthly Rent		Utility Costs		Total
	Efficiency	\$455 \$572	+		=	
	1 Bedroom	\$533 \$670	+		=	
	2 Bedroom	\$701 \$882	+		=	
	3 Bedroom	\$1005 \$1265	+		=	

**CITY OF RIO DELL
HOUSING REHABILITATION PROGRAM
RENTAL LIMITATION SCHEDULE...Pg. 42 Guidelines**

2001 2012 Section 8 Fair Market Rent Schedule for Humboldt County:					
No. of Bedrooms	0	1	2	3	4
Rent Limitation	\$455	\$533	\$701	\$1005	\$1113
2012 Rent Limitation	\$572	\$670	\$882	\$1265	\$1401

Schedule of rents at 30% of 80% of median income:					
No. of Persons	1	2	3	4	5
Rent Limitation	\$711	\$812	\$915	\$1016	\$1097


At no time can the rent of a tenant exceed the Fair Market Rent Schedule. These guidelines are updated every year and may change. If you wish to check the status of the schedule call the City and ask them to check the status of the schedule. Also, if you have any questions about the schedule or program, please call the City at (707) 764-3532.


675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: June 19, 2012

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager 

Date: June 14, 2012

Subject: Design Review Ordinance

Recommendation:

That the City:

1. Receive staff's report regarding the proposed Design Review Ordinance;
2. Open the public hearing, receive public input and deliberate;
3. Consider the application and based on information contained in the staff report, public comments and the Planning Commission's recommendation;
4. Introduce Ordinance No. 291-2012 establishing Design Review Guidelines, Section 17.25.050 of the Rio Dell Municipal Code (RDMC and continue consideration of the proposed Ordinance to your meeting of July 3, 2012 for the second reading and adoption.
5. Set a date for a Joint Study Session with the Planning Commission regarding identifying historic structures in the downtown area and possible specific Design Review Guidelines for those structures.

Background and Discussion

The General Plan calls for the establishment of Design Review regulations in an attempt to enhance and preserve the City's scenic qualities, promote quality designs, landscaping and to protect and maintain property values in the City.

The purpose of the design review process is to promote orderly and harmonious growth within the City. The intent of the design review process is to establish discretionary review of development projects that require additional site and design considerations beyond conformance with minimum standards of the Zoning Code.

Instead of recommending strict and rigid development standards which often times limits creativity, staff is recommending **Guiding Principles and Design Concepts**. The Planning Commission supported this type of approach and unanimously recommended that the City Council approve the proposed Design Review Ordinance.

The Planning Commission also suggested by motion a Joint Study Session regarding identifying historic structures in the downtown area and possible specific Design Review Guidelines for such structures. Apparently in 2002 the City retained the services of Historic Resources Consultant Susie Van Kirk and Cultural Resources Consultant Kathleen Stanton to survey the downtown structures and make recommendations regarding potential improvements to maintain and sometimes restore those structures. Staff recommends that the Van Kirk and Stanton information and recommendations be presented and discussed at the Joint Study Session.

Below are the recommended **Guiding Principles**:

Guiding Principles

- To encourage high quality land/site planning, architecture and landscape design;
- To ensure physical, visual, and functional compatibility between uses; and
- To ensure proper attention is paid to site and architectural design, thereby protecting land values.

These proposed regulations will apply to all lands within the City. All parcels will be designated with the Design Review Combining Zone "D". Except as otherwise exempt pursuant to **Section 17.250.050(3)** Design Review is required for the following:

- Major Subdivisions;
- Multi-family residential developments;
- Commercial development;
- Industrial development; and
- Public/quasi-public developments (e.g. public safety facilities, library, city facilities).

The following structures and improvements are recommended to be exempt from Design Review. However, such structures may require additional permits, such as a ministerial building permit to ensure compliance with adopted Building Code standards and applicable Zoning Code provisions.

- Additions to structures less than 10% of its existing size;
- Repairs and maintenance of site improvements or structures that do not add to, enlarge, or expand the area occupied by the land use, or the floor area of the structure.
- Exterior repairs that employ the same materials and design as the original construction are also exempt from Design Review;
- Interior alterations that do not increase the gross floor area within the structure, or change/expand the permitted use of the structure;
- Construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities intended to service existing or nearby approved developments (e.g., water, gas, electric or telecommunication supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, and similar facilities **and** equipment);

Staff is recommending that the approving authority for Design Review be the Planning Commission. The Planning Commission will be empowered to review and approve, conditionally approve, or deny Design Review applications using the guiding principles and design concepts, application review process, and required findings.

At any point in the future, the City Council may, by Resolution, delegate the Approving Authority for Design Review to the City Council, a Design Review Committee, the Community Development Director and/or the City Manager.

The designated Approving Authority will have the authority to apply the "Guiding Principles" flexibly to account for circumstances relating to the site, provided the required findings in **Section 17.250.050(8)** are made and using the following Design Concepts:

Design Concepts

Residential Subdivisions. The following Design Concepts generally apply to major subdivisions (e.g. five or more parcels) of land for residential purposes. Some of the Design Concepts will not apply, to certain projects due to the size of the development. However, these concepts will be applied whenever possible in the design of residential and mixed use projects. The City encourages:

- (1) A balanced mix of land uses, including housing, schooling, and parks/open space, to meet the needs of residents as appropriate based on project scale. Large scale development proposals should also provide for employment, commercial/retail, recreational and entertainment needs of community residents.
- (2) Pedestrian friendly neighborhoods, which are walkable in size with an obvious center. The neighborhood center should be a place of social interaction with a combination of commercial, civic, cultural and recreational uses.
- (3) Housing diversity with a variety of housing types, sizes, and densities.
- (4) Vehicle, bicycle, and pedestrian, and transit connectivity throughout the neighborhood and with the surrounding neighborhoods and uses. More specifically, neighborhoods should be designed with an interconnected street system that will blend well into the existing street system, diffuse traffic within the neighborhood, and minimize barriers within and between neighborhoods.
- (5) Where feasible, joint-use of open space facilities such as drainage facilities, detention basins, utility corridors etc. for trails, bikeways and Parks.
- (6) Maintaining significant natural features (e.g., terrain, drainage, vegetation).
- (7) Minimization of urban runoff through the use of retention and detention facilities and the use of open bio-swale drainage channels
- (8) Pedestrian friendly streetscapes that may include orientation of homes to common areas, parks, or other open space areas.
- (9) Where feasible, design streets with separated sidewalks that incorporate a planter strip between the back of curb and sidewalk.

Residential Multi Family. The following Design Concepts apply to the review of residential multi-family development. The City encourages:

- (1) Mass, scale and architecture which is compatible with existing and adjacent neighborhoods. The intent is to encourage appropriate transitions between uses and structures of varying residential density and a general compatibility of architectural styles.
- (2) Original designs that are tailored to the site and discourage monotonous or institutional type buildings and site design.
- (3) Site designs that preserve, enhance and incorporate the significant natural features of a site as an element within the overall design.
- (4) High quality building designs that consist of durable and maintainable materials for the exterior treatment of the buildings that complement the building mass and articulation.
- (5) The establishment of a streetscape presence and appearance through setbacks, landscaping, building placement, and architecture that defines the pedestrian and vehicular corridor and presents an appealing and continuous theme along a sidewalk, street or trail.

(6) Landscaping that softens the appearance of pavement and structures, and provides an eventual tree canopy along the street and pedestrian walkways.

(7) Ensure that design provisions do not preclude the development of multi-family housing affordable to all income levels.

Non-Residential Site Planning. The following Design Concepts apply to site planning and design for non-residential (commercial, office, industrial, and public/quasi-public) development. The City encourages:

(1) Design of new development with particular attention to compatibility between non-residential and adjacent residential uses/properties within the project vicinity.

(2) A unified design theme for integrated developments. All buildings within an integrated development shall be designed consistent with the approved design theme.

(3) Pedestrian-friendly design which incorporates pedestrian amenities and outdoor gathering places into the project design with consideration given to the climate and planned use of space.

(4) A streetscape appearance that defines the pedestrian and vehicle corridor and presents an appealing and continuous theme along a sidewalk or street.

(5) Office and light industrial parks and integrated employment campuses that provide outdoor areas for eating and sitting, retail and service venues as appropriate and other amenities for project employees.

(6) Design flexibility for mixed-use development that ensures compatibility of use types and promotes beneficial relationships among uses.

(7) Where feasible, design streets with separated sidewalks that incorporate a planter strip between the back of curb and sidewalk.

Non-Residential Architecture. The following Design Concepts apply to non-residential (commercial, office, industrial, and public/quasi-public) development. The City encourages:

(1) High quality building designs that consist of durable and maintainable materials and that provide visual interest and diversity to the community.

(2) Use of an architectural style and or/theme for new non-residential development that is consistent for building elevations of a single structure or consistent among all buildings within an integrated development.

(3) Design of buildings or structures that are sensitive to the neighborhood character with regard to scale, architectural style, use of materials and bulk.

(4) Interesting and attractive architecture which includes varied relief of the facade elements and detailed articulation of the building features.

(5) High quality site design, including landscaping, signage and other elements of site design.

Scope of Design Review

The recommended scope of Design Review is identified below by land use type.

- **Neighborhood Design - Major Subdivisions:**
 - Relationship of land uses and density
 - Lot configuration **and** orientation
 - Street design/relationship to existing street network
 - Orientation to open space and significant natural features
 - Bikeways, trails and pedestrian facilities and connectivity with other development
- **Multi-family Developments:**
 - Architecture- style, mass and scale, articulation, materials, and relationship to surrounding use and style
 - Site plan- unit placement, garage location
 - Landscaping and lighting for Multi-Family developments
 - Streetscape design
 - Fences and walls
 - Solar access and shading
- **Non-residential Development** (commercial, office, industrial, and public/quasi-public)
 - Architecture- style or theme, mass and scale, articulation, materials, relationship to surrounding use and style
 - Site plan- building location/orientation to street, parking, grading, relationship to surrounding property
 - Access- vehicular and pedestrian
 - Pedestrian amenities
 - Landscaping and lighting
 - Edge treatment between uses and different zones
 - Loading and services (trash and recycling)
 - Mechanical screening
 - Signs

Design Review Process

Application Submittal. Design Review applications shall be submitted to the Planning Department on a City application form. All plans shall be professionally drawn by qualified individuals, drawn at a reasonable scale to clearly identify the improvements and shall be on 18" x 24" or 24" x 36" and shall conform to the following requirements:

- **Building Plans and Elevations** shall identify the materials, colors, textures, etc.
- **Landscaping Plans** shall include common name, botanical name, size of plants/trees at planting and maturity, location, spacing, lawns, hardscape, walkways, streetscape furniture (i.e. benches, bicycle racks, art, water features,

kiosks, bus shelters, etc.), ground cover, weed treatment, finished contours, parking areas, curbs, gutters, sidewalks and the edge of pavement.

- **Irrigation Plans** shall include location of sprinkler heads, and/or drip irrigation, location and size of irrigation pipe, water meters, backflow prevention devices, control valves, etc.
- **Photometric Plans** shall include the type, location, height, style and limits of the predicted maintained lighting levels of the proposed lighting fixtures.
- **Sign Plans** shall include the location, type (e.g. wall mounted, monument, pylon), size, color, font styles and lighting details.

Application Review. Design Review shall generally occur within the framework of other project reviews/approvals associated with a given project. In such cases, the Planning Department shall circulate the project for review and comment by appropriate departments, entities, and agencies prior to public hearing by the designated Approving Authority. Where no other discretionary action is associated with a project that is subject to Design Review, the Planning Director shall, within 15 working days of application submittal, determine whether or not the application is complete.

The applicant shall be notified in writing of the determination of application completeness. Once any required review by related departments, entities, and agencies has been completed, the Planning staff shall prepare a report to the Planning Commission on the project with a recommendation for approval, conditional approval or denial of the Design Review application.

Design Review Determination

Findings for Design Review Approvals. Design Review approvals shall be granted only when the designated Approving Authority makes all of the following findings:

- (1) The proposed project is consistent with the objectives of the General Plan, complies with applicable Zoning regulations, Specific Plan provisions, Special Planning Area provisions, and is consistent with the applicable "Guiding Principles" and "Design Concepts" in **Section 17.250.050(5)** Rio Dell Municipal Code (RDMC).
- (2) The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.
- (3) The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of existing or anticipated buildings on adjoining and nearby properties.

(4) The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.

Additional Findings for Residential Design Review Applications. Design Review applications for single-family residential subdivision maps shall be granted only when the designated Approving Authority makes the additional finding that the residential subdivision is well integrated with the City's street network, creates desirable neighborhood environments, reflects traditional architectural styles, and establishes a pedestrian friendly environment.

Procedures for Zoning Ordinance Amendments

Pursuant to Section 17.30.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.30.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.
- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.30.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

Zone Reclassification Required Finding:

1. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.

Section 65860(a) of the Government Code requires that zoning ordinances and amendments be consistent with the General Plan and any applicable specific plan. The General Plan, Implementation Table, Table 1-3, calls for the development of Design Review Standards. As such the proposed Design Review Ordinance is consistent with the General Plan.

2. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project.

Based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA. Based on the nature of the proposed amendment, staff believes there is no evidence to suggest that the amendment will have a significant effect on the environment.

Financial Impact

The City is responsible for the costs associated with the proposed amendment. The cost is insignificant and will not result in additional budget expenditures or revisions.

Alternatives

The City Council may choose not to recommend approval of the proposed Design Review Ordinance. Staff does not recommend this alternative. The Planning Commission unanimously recommended approval of the proposed Design Review Ordinance.

Attachments:

1. Draft Ordinance No. 291-2012 establishing a Design Review Ordinance, Section 17.25.050 of the Rio Dell Municipal Code.
2. Design Review Handout

ORDINANCE NO. 291 - 2012

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
ESTABLISHING DESIGN REVIEW REGULATIONS,
SECTION 17.25.050 OF THE RIO DELL MUNICIPAL CODE:**

THE CITY COUNCIL OF THE CITY OF RIO DELL DOES ORDAIN AS FOLLOWS:

WHEREAS the General Plan contains policies that encourage architectural guidelines; and

WHEREAS the General Plan contains implementation measures that call for the development of Design Review standards and guidelines; and

WHEREAS the purpose of the Design Review process is to promote orderly and harmonious growth within the City; and

WHEREAS the Design Review process is intended to preserve and improve the scenic amenities of the City and to protect the City's natural environment, its scenic vistas and the community's overall aesthetic quality; and

WHEREAS the Design Review process encourages good quality design, including the use of harmonious materials and colors, and the appropriate use of landscaping; and

WHEREAS in addition to protecting the City's scenic and natural resources, the Design Review process is intended to protect and maintain property values; and

WHEREAS the intent of the Design Review process is to establish discretionary review of development projects that require additional site and design considerations beyond conformance with minimum standards of the Zoning Code; and

WHEREAS the City has reviewed and processed the proposed Design Review Ordinance in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed Design Review Ordinance in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed Design Review Ordinance is deemed to be in the public interest; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed Design Review Ordinance is consistent and compatible with a comprehensive view of the General Plan and any implementation programs that may be affected; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed Design Review Ordinance has been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed Design Review Ordinance has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS the City has determined that the establishment of a Design Review Ordinance is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Rio Dell:

1. Finds that the proposed Design Review Ordinance is in the public interest and consistent with an overall comprehensive view of the General Plan; and
2. Finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed Design Review Ordinance have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and
3. Approves the proposed Design Review Ordinance.

BE IT FURTHER RESOLVED, that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1.

1. Purpose and Intent

The purpose of the design review process is to promote orderly and harmonious growth within the City. The intent of the design review process is to establish discretionary review of development projects that require additional site and design considerations beyond conformance with minimum standards of the Zoning Code. This Chapter also includes "Guiding Principles" and "Design Concepts" to be used by the designated Approving Authority in reviewing proposed projects for design consistency the City's standards.

2. Design Review Applicability

These regulations shall apply to lands designated with the Design Review Combining Zone "D" on the Zoning Maps. In addition, except as otherwise exempt pursuant to **Section 17.250.050(3)** Design Review is required for the following:

- (a) Major Subdivisions;
- (b) Multi-family residential developments;
- (c) Commercial development;
- (d) Industrial development; and
- (e) Public/quasi-public developments (e.g. public safety facilities, library, City facilities).

3. Design Review Exemptions

The following structures and improvements are exempt from Design Review. However, such structures may require additional permits, such as a ministerial building permit to ensure compliance with adopted Building Code standards and applicable Zoning Code provisions.

- (a) Additions to structures less than 10% of its existing size;
- (b) Repairs and maintenance of site improvements or structures that do not add to, enlarge, or expand the area occupied by the land use, or the floor area of the structure. Exterior repairs that employ the same materials and design as the original construction are also exempt from Design Review;
- (c) Interior alterations that do not increase the gross floor area within the structure, or change/expand the permitted use of the structure;
- (d) Construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities intended to service existing or nearby approved developments (e.g., water, gas, electric or telecommunication supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, and similar facilities **and** equipment);

4. Approving Authority

The Approving Authority for Design Review shall be the Planning Commission. The Planning Commission shall review and approve, conditionally approve, or deny Design Review applications using the guiding principles and design concepts, application review process, and findings identified herein. At any point in the future, the City Council may delegate the Approving Authority for Design Review to the City Council, a Design Review Committee, the Community Development Director and/or the City Manager. Subsequent delegation of Approving Authority shall be adopted by Resolution, identifying the City's designated Approving Authority, along with any special regulations for review and action on Design Review applications.

Design Review approval is required prior to issuance of any ministerial building permits or site improvement plans and prior to or in conjunction with discretionary action of corresponding development applications (e.g., Maps, Conditional Use Permit, Variance), except as otherwise exempted pursuant to **Section 17.250.050(3)** of this Chapter.

5. Guiding Principles and Design Concepts

This Chapter provides a set of "Guiding Principles" and "Design Concepts" setting forth various aesthetic and functional provisions to guide residential, commercial, office, industrial and public/quasi public development in the City. The "Guiding Principles" are listed below. Over time, the City may, by ordinance amending this section, refine or expand these principles and concepts to reflect the changing desires of the community.

- To encourage high quality land/site planning, architecture and landscape design;
- To ensure physical, visual, and functional compatibility between uses: and
- To ensure proper attention is paid to site and architectural design, thereby protecting land values.

The designated Approving Authority under this Chapter shall have the authority to apply the "Guiding Principles" flexibly to account for circumstances relating to the site, provided the required findings in **Section 17.250.050(8)** are made and using the following Design Concepts:

(a) Residential Subdivisions. The following Design Concepts generally apply to major subdivisions (e.g. five or more parcels) of land for residential purposes. Some of the Design Concepts will not apply, to certain projects due to the size of the development. However, these concepts will be applied whenever possible in the design of residential and mixed use projects. The City encourages:

- (1) A balanced mix of land uses, including housing, schooling, and parks/open space, to meet the needs of residents as appropriate based on project scale. Large scale development proposals should also provide for employment, commercial/retail, recreational and entertainment needs of community residents.
- (2) Pedestrian friendly neighborhoods, which are walkable in size with an obvious center. The neighborhood center should be a place of social interaction with a combination of commercial, civic, cultural and recreational uses.
- (3) Housing diversity with a variety of housing types, sizes, and densities.
- (4) Vehicle, bicycle, and pedestrian, and transit connectivity throughout the neighborhood and with the surrounding neighborhoods and uses. More specifically, neighborhoods should be designed with an interconnected street system that will blend well into the existing street system, diffuse traffic within the neighborhood, and minimize barriers within and between neighborhoods.
- (5) Where feasible, joint-use of open space facilities such as drainage facilities, detention basins, utility corridors etc. for trails, bikeways and Parks.
- (6) Maintaining significant natural features (e.g., terrain, drainage, vegetation).
- (7) Minimization of urban runoff through the use of retention and detention facilities and the use of open bio-swale drainage channels
- (8) Pedestrian friendly streetscapes that may include orientation of homes to common areas, parks, or other open space areas.
- (9) Where feasible, design streets with separated sidewalks that incorporate a planter strip between the back of curb and sidewalk.

(b) Residential Multi Family. The following Design Concepts apply to the review of residential multi-family development. The City encourages:

- (1) Mass, scale and architecture which is compatible with existing and adjacent neighborhoods. The intent is to encourage appropriate transitions between uses and structures of varying residential density and a general compatibility of architectural styles.
- (2) Original designs that are tailored to the site and discourage monotonous or institutional type buildings and site design.

(3) Site designs that preserve, enhance and incorporate the significant natural features of a site as an element within the overall design.

(4) High quality building designs that consist of durable and maintainable materials for the exterior treatment of the buildings that complement the building mass and articulation.

(5) The establishment of a streetscape presence and appearance through setbacks, landscaping, building placement, and architecture that defines the pedestrian and vehicular corridor and presents an appealing and continuous theme along a sidewalk, street or trail.

(6) Landscaping that softens the appearance of pavement and structures, and provides an eventual tree canopy along the street and pedestrian walkways.

(7) Ensure that design provisions do not preclude the development of multi-family housing affordable to all income levels.

(c) Non-Residential Site Planning. The following Design Concepts apply to site planning and design for non-residential (commercial, office, industrial, and public/quasi-public) development. The City encourages:

(1) Design of new development with particular attention to compatibility between non-residential and adjacent residential uses/properties within the project vicinity.

(2) A unified design theme for integrated developments. All buildings within an integrated development shall be designed consistent with the approved design theme.

(3) Pedestrian-friendly design which incorporates pedestrian amenities and outdoor gathering places into the project design with consideration given to the climate and planned use of space.

(4) A streetscape appearance that defines the pedestrian and vehicle corridor and presents an appealing and continuous theme along a sidewalk or street.

(5) Office and light industrial parks and integrated employment campuses that provide outdoor areas for eating and sitting, retail and service venues as appropriate, and other amenities for project employees.

(6) Design flexibility for mixed-use development that ensures compatibility of use types and promotes beneficial relationships among uses.

(7) Where feasible, design streets with separated sidewalks that incorporate a planter strip between the back of curb and sidewalk.

(d) Non-Residential Architecture. The following Design Concepts apply to non-residential (commercial, office, industrial, and public/quasi-public) development. The City encourages:

(1) High quality building designs that consist of durable and maintainable materials and that provide visual interest and diversity to the community.

(2) Use of an architectural style and or/theme for new non-residential development that is consistent for building elevations of a single structure or consistent among all buildings within an integrated development.

(3) Design of buildings or structures that are sensitive to the neighborhood character with regard to scale, architectural style, use of materials and bulk.

(4) Interesting and attractive architecture which includes varied relief of the facade elements and detailed articulation of the building features.

(5) Incorporate quality site design, including landscaping, signage and other elements of site design.

6. Scope of Design Review

To implement the principles and concepts in **Section 17.250.050(5)** the scope of Design Review is listed below by land use type. Applications for Design Review shall include adequate information to evaluate the project. Specific application submittal requirements shall be listed on the application form distributed by the Planning Department.

(a) Neighborhood Design - Major Subdivisions:

- Relationship of land uses and density
- Lot configuration **and** orientation
- Street design/relationship to existing street network
- Orientation to open space and significant natural features
- Bikeways, trails and pedestrian facilities and connectivity with other development

(b) Multi-family Developments:

- Architecture- style, mass and scale, articulation, materials, and relationship to surrounding use and style
- Site plan- unit placement, garage location
- Landscaping and lighting for Multi-Family developments
- Streetscape design
- Fences and walls
- Solar access and shading

(c) Non-residential Development (commercial, office, industrial, and public/quasi-public)

- Architecture- style or theme, mass and scale, articulation, materials, relationship to surrounding use and style
- Site plan- building location/orientation to street, parking, grading, relationship to surrounding property
- Access- vehicular and pedestrian
- Pedestrian amenities
- Landscaping and lighting
- Edge treatment between uses and different zones
- Loading and services (trash and recycling)
- Mechanical screening
- Signs

7. Design Review Process

(a) Application Submittal. Design Review applications shall be submitted to the Planning Department on a City application form. All plans shall be professionally drawn by qualified individuals, drawn at a reasonable scale to clearly identify the improvements and shall be on 18" x 24" or 24" x 36" and shall conform to the following requirements:

- **Building Plans and Elevations** shall identify the materials, colors, textures, etc.
- **Landscaping Plans** shall include common name, botanical name, size of plants/trees at planting and maturity, location, spacing, lawns, hardscape, walkways, streetscape furniture (i.e. benches, bicycle racks, art, water features, kiosks, bus shelters, etc.), ground cover, weed treatment, finished contours, parking areas, curbs, gutters, sidewalks and the edge of pavement.
- **Irrigation Plans** shall include location of sprinkler heads, and/or drip irrigation, location and size of irrigation pipe, water meters, backflow prevention devices, control valves, etc.
- **Photometric Plans** shall include the type, location, height, style and limits of the predicted maintained lighting levels of the proposed lighting fixtures.
- **Sign Plans** shall include the location, type (e.g. wall mounted, monument, pylon), size, color, font styles and lighting details.

(b) Application Review. Design Review shall generally occur within the framework of other project reviews/approvals associated with a given project. In such cases, the Planning Department shall circulate the project for review and comment by appropriate departments, entities, and agencies prior to public hearing by the designated Approving Authority. Where no other discretionary action is associated with a project that is subject to Design Review, the Planning Director shall, within 15 working days of application submittal, determine whether or not the application is complete. The applicant is encouraged to contact staff prior to submitting the application for a preliminary review of the project. The applicant shall be notified in writing of the determination of application completeness. Once any required review by related departments, entities, and agencies has been completed, the Planning staff shall prepare a report to the designated Approving Authority on the project with a recommendation for approval, conditional approval or denial of the Design Review application. Planning staff shall be responsible for assimilating the comments and recommendations of related departments and agencies into project modifications or Conditions of Approval, as well as to ensure conformance with applicable provisions of the Municipal Code, and any subsequently adopted standards, guidelines, or area plans.

(c) Environmental Review. The project shall be reviewed in accordance with the environmental review procedures of the California Environmental Quality Act (CEQA). Design Review shall generally not result in the need for CEQA evaluation for a project that is otherwise exempt.

(d) Notice and Hearing/Determination. Public notice and hearings for Design Review applications under consideration by the designated Approving Authority shall be conducted in accordance with Chapter 17.35 of the Rio Dell Municipal Code (RDMC). The notice shall identify the subject parcel, describe the request, and identify the date of the meeting. The notice shall also identify the opportunity to provide input prior to the determination and the right to appeal the determination in accordance with this Chapter.

(e) Appeals. Appeals shall be conducted in accordance with **Section 17.35.050** of the Rio Dell Municipal Code (RDMC).

8. Design Review Determination

(a) Findings for Design Review Approvals. Design Review approvals shall be granted only when the designated Approving Authority makes all of the following findings:

- (1) The proposed project is consistent with the objectives of the General Plan, complies with applicable Zoning regulations, Specific Plan provisions, Special Planning Area provisions, and is consistent with the applicable "Guiding Principles" and "Design Concepts" in **Section 17.250.050(5)** Rio Dell Municipal Code (RDMC).
- (2) The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.
- (3) The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of existing or anticipated buildings on adjoining and nearby properties.
- (4) The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.

(b) Additional Findings for Residential Design Review Applications. Design Review applications for single-family residential subdivision maps shall be granted only when the designated Approving Authority makes the additional finding that the residential subdivision is well integrated with the City's street network, creates desirable neighborhood environments, reflects traditional architectural styles, and establishes a pedestrian friendly environment.

(c) Conditions. The designated Approving Authority may require modifications to plans in whole or in part and may condition the Design Review application to ensure specific design features, construction materials, and conformance with all applicable provisions of this chapter.

(d) Permit Issuance. Approval of the Design Review application shall only become valid upon completion of the designated ten-day appeal period.

(e) Permit Term. Where Design Review is approved in conjunction with a related action, the Design Review approval shall remain valid for a period consistent with related review/approval. Where no other discretionary review/approval is required, the Design Review approval shall be valid for a period of three (3) years from the date of final approval.

Section 2. Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 3. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 4. CEQA Compliance

The City Council has determined that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA), subject to Section 15061 of the CEQA Guidelines. Due to the nature of the proposed code revisions, there is no evidence that any impact to the environment would occur as a result of adoption of the Ordinance. Any environmental affects associated with adoption and implementation of the Ordinance would be beneficial in nature.

Section 5. Effective Date

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on June 19, 2012 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 3rd of July 2012 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



Design Review

Design Review is required for all major (five or more parcels) residential subdivisions, multi-family, commercial, industrial and public and quasi public developments. Design review is a discretionary process established to ensure quality development in accordance with the City's Design Guidelines and to ensure that the appearance of development will be compatible and harmonious with the use and enjoyment of surrounding properties. Design Review approval is required prior to issuance of any ministerial building permits or site improvement plans and prior to or in conjunction with discretionary action of corresponding development applications (e.g., Conditional Use Permit, Variance).

Guiding Principles

- To encourage high quality land/site planning, architecture and landscape design;
- To ensure physical, visual, and functional compatibility between uses: and
- To ensure proper attention is paid to site and architectural design, thereby protecting land values.

Pre-Application Meeting

Prior to submitting a formal application, the City encourages the applicant to schedule a Preliminary Review meeting (\$75.00) with the Planning Department to review and discuss the project.

Submittal Requirements

- Completed Application
- Owners labels within 300 feet of the project site with notarized Letter of Certification
- Completed Environmental Questionnaire
- Building Plans (10 copies) and Elevations (10 color copies and CD pdf or jpeg copy)
- Landscaping Plans (10 color copies and CD pdf or jpeg copy)
- Irrigation Plans (2 copies)
- Photometric Plans (2 copies)
- Sign Plans (2 copies)
- Preliminary Title Report current within 6 months of application
- Deposit: \$500.00 made payable to the City of Rio Dell


Please note that the application can only be deemed complete upon submittal of **ALL** the above materials. Please refer to Ordinance 291-2012 for additional information, or contact the Planning Department at (707) 764-3532.


675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: July 3, 2012

To: City Council

From: Kevin Caldwell, Community Development Director 

Through:  Jim Stretch, City Manager

Date: June 28, 2012

Subject: Eel River Industrial Park General Plan Amendment and Zone Reclassification

Recommendation:

That the City:

1. Receive staff's report regarding the proposed General Plan Amendment and Zone Reclassification;
2. Receive public input, close the public hearing and deliberate;
3. Adopt Ordinance No. 292-2012 and Resolution No. 1156-2012 amending the plan and zoning designation of approximately 18 acres from Public Facility to Industrial Commercial and about 7 acres from Public Facility to Natural Resources.
4. Direct the City Clerk, within 10 days after adoption of the Ordinance, to post a post adoption summary of the Ordinance with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance pursuant to Section 36933(a) of the California Government Code.
5. Direct staff to file the CEQA Notice of Determination with the required Fish and Game fee (\$2,101.50) and associated processing fee (\$50.00) with the County Clerk within five days of approval.

Summary

At your meeting of June 19, 2012 your Council introduced (first reading) Ordinance No. 292-2012 and Resolution No. 1156-2012 amending the plan and zoning designation of approximately 18 acres from Public Facility to Industrial Commercial and about 7 acres from Public Facility to Natural Resources. The public hearing was opened and testimony was

provided regarding the proposed amendments. The public hearing was continued to this meeting.

As evidenced in the Staff Report prepared for the June 19, 2012 meeting, the process for Plan Amendments and Zone Reclassification has been followed and staff believes the required Public Interest and General Plan Consistency findings can be made.

In accordance with State CEQA Guidelines §15168, Mitigated Negative Declaration (MND) was prepared to evaluate the environmental impacts of the proposed amendments. Staff incorporated the Initial Study and Mitigated negative Declaration that was prepared for the 2008 annexation of the area. The 2008 mitigation measures also apply to the amended area.

The City referred the Initial Study and Mitigated Negative Declaration to the State Clearing House for public and agency review on April 23, 2012. The review period officially ended on May 22, 2012. Only the Regional Water Quality Control Board commented on the environmental document. Their comments were general in nature and did not identify anything specifically regarding the proposed amendments.

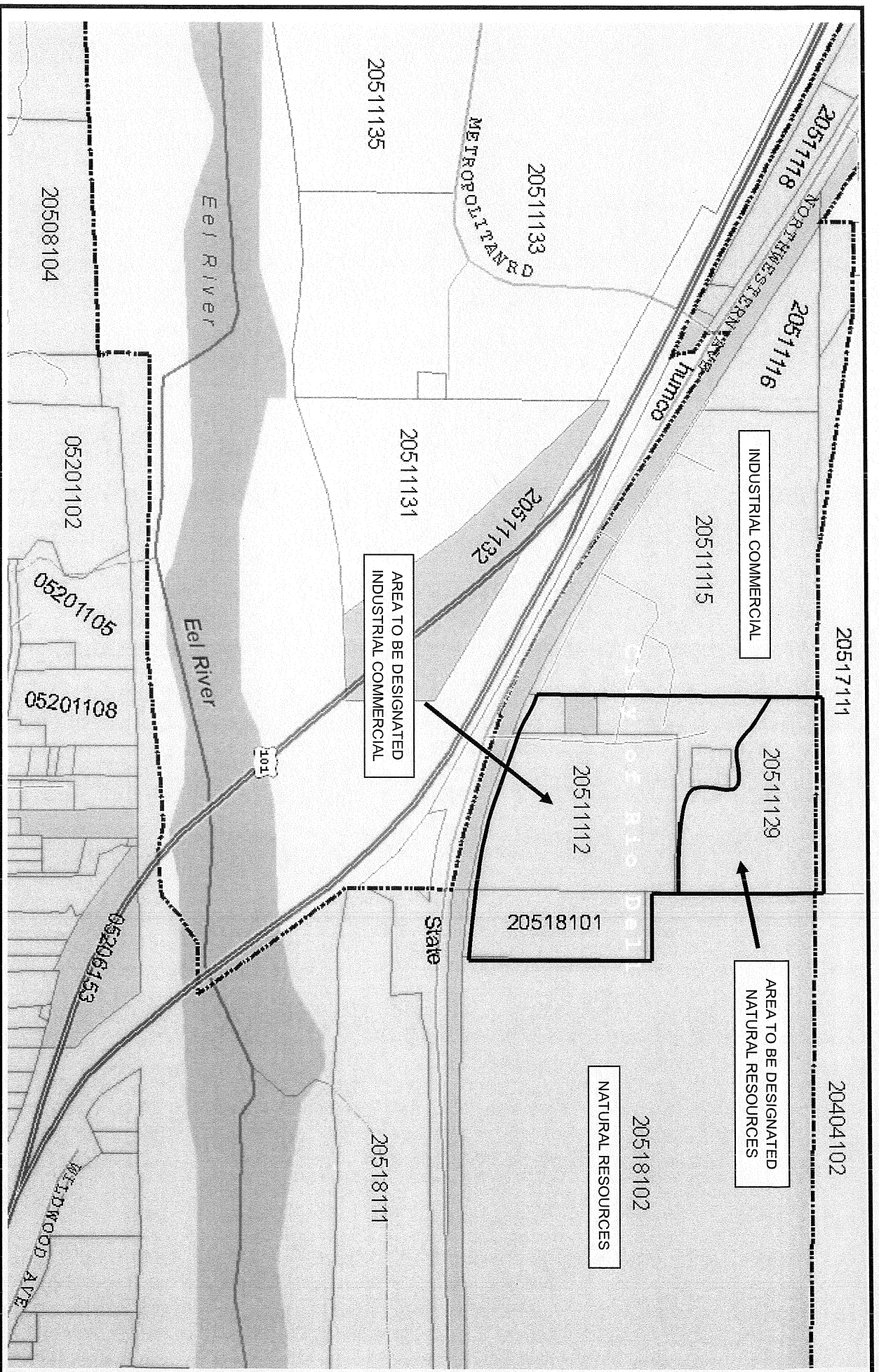
Because the project was not exempt from CEQA, pursuant to Fish and Game Code Section 711.4, the Department of Fish and Game imposes and collects a filing fee \$2,101.50 to defray the costs of managing and protecting California's vast fish and wildlife resources. In addition, a \$50.00 processing fee for the County Clerk is also required.

Figures and Attachments

Figures 1 & 2: Maps illustrating the recommended changes.

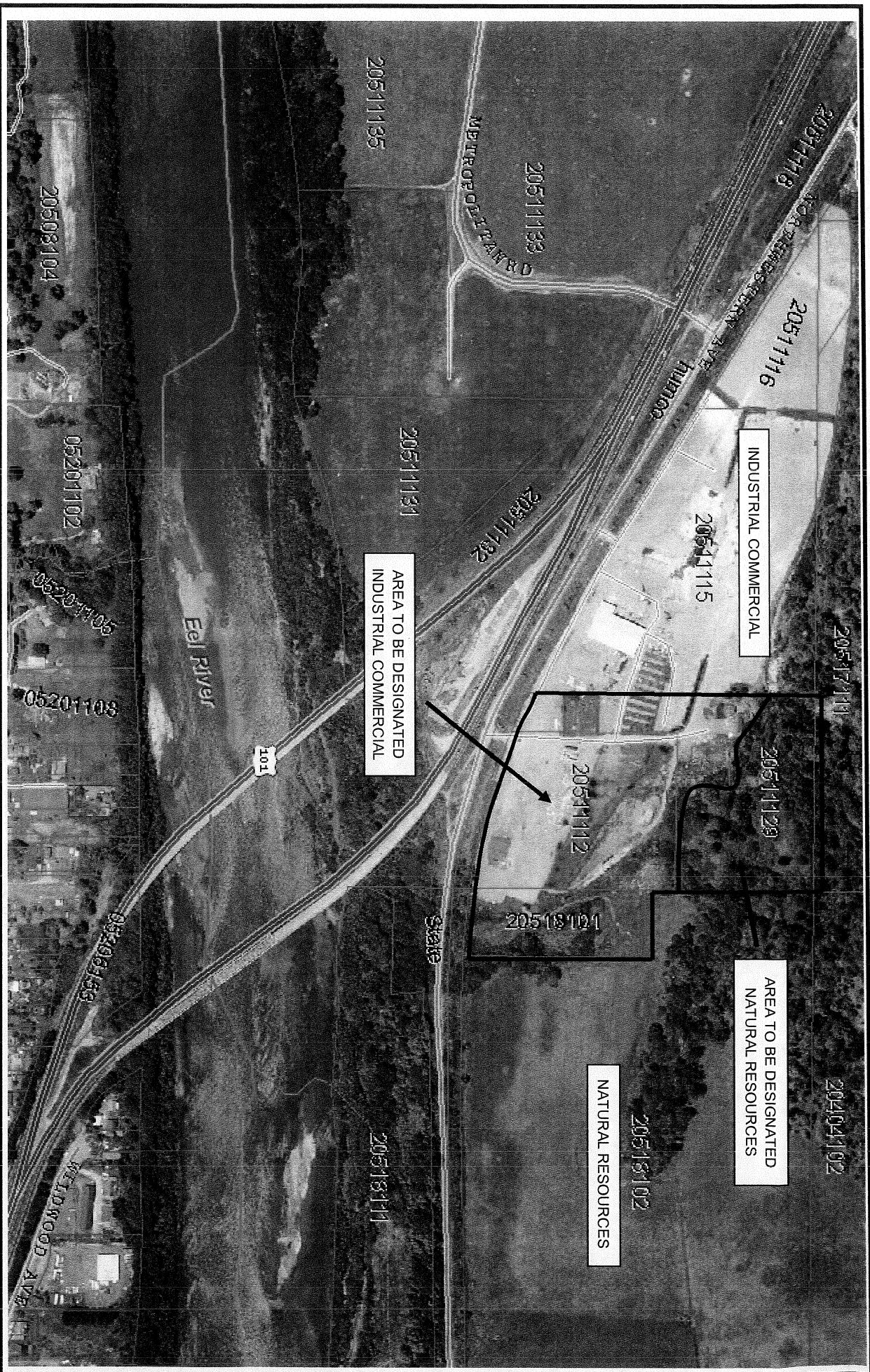
Attachment 1: Resolution No. 1156-2012 approving and adopting the proposed General Plan Amendment.

Attachment 2: Ordinance No. 292-2012 approving and adopting the proposed Zone Reclassification



Eel River Industrial Park General Plan Amendment and Zone Reclassification

An application to amend the current plan designation of about 25 acres from Public Facility (PF). Approximately 7 acres will be redesignated to Natural Resources (NR) and approximately 18 acres will be redesignated to Industrial Commercial (IC). The area was annexed to the City in 2008. Prior to annexation the County designation of the area was Heavy Industrial. After annexation the area was designated Public Facility (PF) in anticipation of the site being used for the City's Waste Water Treatment Plant (WWTP).



Eel River Industrial Park General Plan Amendment and Zone Reclassification

An application to amend the current plan designation of about 25 acres from Public Facility (PF). Approximately 7 acres will be redesignated to Natural Resources (NR) and approximately 18 acres will be redesignated to Industrial Commercial (IC). The area was annexed to the City in 2008. Prior to annexation the County designation of the area was Heavy Industrial. After annexation the area was designated Public Facility (PF) in anticipation of the site being used for the City's Waste Water Treatment Plant (WWTP).

RESOLUTION NO. CC 1156-2012

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL APPROVING THE EEL RIVER SAWMILLS GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION:

WHEREAS in 2008, the City annexed a 244.6-acre area known as the former Eel River Sawmills site into the City; and

WHEREAS the purpose of the annexation was to provide a site for a proposed City Waste Water Treatment Plant (WWTP), to incorporate the existing commercial/industrial uses along Highway 101 into the City of Rio Dell; and

WHEREAS to provide for the proposed Waste Water Treatment Plant (WWTP), approximately 25 acres were designated Public Facility (PF); and

WHEREAS in 2010 the City and the City Engineers determined that it was more economically feasible to upgrade the existing WWTP rather than build a new facility at the Eel River Industrial Park; and

WHEREAS the proposed project is to amend the current plan designation of about 25 acres from Public Facility (PF); and

WHEREAS approximately 7 acres will be redesignated to Natural Resources (NR) and approximately 18 acres will be redesignated to Industrial Commercial (IC); and

WHEREAS the City has reviewed and processed the proposed amendments in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS based on existing General Plan goals and policies, the proposed amendments can be found consistent the General Plan and its implementation policies and programs; and

WHEREAS the proposed amendments can be found in the public interest; and

WHEREAS the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS pursuant to the requirements of state and local law, the Planning Commission conducted a duly noticed public hearing to consider the proposed zone boundary adjustment, at which time all interested person were given an opportunity to be heard; and

WHEREAS the Planning Commission following said public hearing recommends that the City Council approve the proposed General Plan Amendment and Zone Reclassification; and

WHEREAS the City Council considered the Planning Commission's recommendation and approves the proposed General Plan Amendment and Zone Reclassification.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Rio Dell:

1. Finds that the proposed amendments are in the public interest and consistent with an overall comprehensive view of the General Plan; and
2. Finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendment has been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and
3. Approves the proposed General Plan Amendment and Zone Reclassification.

PASSED AND ADOPTED by the City Council of the City of Rio Dell at their meeting of July 3, 2012 by the following vote:

I HEREBY CERTIFY that the forgoing Resolution was duly introduced at a regular meeting of the City Council of the City of Rio Dell on June 19, 2012 and furthermore the forgoing Resolutions was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 3rd day of July 2012 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

ORDINANCE NO. 292-2012

Amending Section 17.15.030 Zoning Map of the Rio Dell Municipal Code

THE CITY COUNCIL OF THE CITY OF RIO DELL DOES ORDAIN AS FOLLOWS:

WHEREAS in 2008, the City annexed a 244.6-acre area known as the former Eel River Sawmills site into the City; and

WHEREAS the purpose of the annexation was to provide a site for a proposed City Waste Water Treatment Plant (WWTP), to incorporate the existing commercial/industrial uses along Highway 101 into the City of Rio Dell; and

WHEREAS to provide for the proposed Waste Water Treatment Plant (WWTP), approximately 25 acres were designated Public Facility (PF); and

WHEREAS in 2010 the City and the City Engineers determined that it was more economically feasible to upgrade the existing WWTP rather than build a new facility at the Eel River Industrial Park; and

WHEREAS the proposed project is to amend the current plan designation of about 25 acres from Public Facility (PF); and

WHEREAS approximately 7 acres will be redesignated to Natural Resources (NR) and approximately 18 acres will be redesignated to Industrial Commercial (IC); and

WHEREAS the City has reviewed and processed the proposed amendments in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS based on existing General Plan goals and policies, the proposed amendments can be found consistent the General Plan and its implementation policies and programs; and

WHEREAS the proposed amendments can be found in the public interest; and

WHEREAS the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS pursuant to the requirements of state and local law, the Planning Commission conducted a duly noticed public hearing to consider the proposed zone boundary adjustment, at which time all interested person were given an opportunity to be heard; and

WHEREAS the Planning Commission following said public hearing recommends that the City Council approve the proposed General Plan Amendment and Zone Reclassification; and

WHEREAS the City Council considered the Planning Commission's recommendation and approves the proposed General Plan Amendment and Zone Reclassification.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Rio Dell:

1. Finds that the proposed amendments are in the public interest and consistent with an overall comprehensive view of the General Plan; and
2. Finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendment has been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and
3. Approves the proposed General Plan Amendment and Zone Reclassification.

BE IT FURTHER RESOLVED, that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1. Zoning Map Amendment

Section 17.15.030 (Zoning Map) of the Rio Dell Municipal Code is hereby amended to re-designate approximately 18 acres from Public Facilities (PF) to Industrial Commercial (IC) and about 7 acres from Public Facility (PF) to Natural Resources (NR).

Section 2. Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 3. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 4. Effective Date

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on June 19, 2012 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 3rd day of July 2012 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk